

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

BERRY LEE LIVINGSTON, )  
                            )  
Plaintiff,               )  
                            )  
v.                        )                  No. 4:15-CV-1318 AGF  
                            )  
WARREN COUNTY, et al., )  
                            )  
                            )  
Defendants,             )

**MEMORANDUM AND ORDER**

This matter is before the Court on remand from the Court of Appeals to determine plaintiff's in forma status and, if applicable, to calculate and collect the appellate filing fees. Plaintiff has not moved for in forma pauperis status in this Court, nor has he submitted a copy of his prison account statement.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff must, within twenty-one (21) days of the date of this Order, either pay the \$505 appellate filing fee **or** file a motion to proceed in forma pauperis on appeal along with a certified copy of his prisoner account statement for the six-month period immediately preceding the filing of the appeal.

**IT IS FURTHER ORDERED** that the Clerk is directed to send plaintiff a copy of the prisoner in forma pauperis form.

Dated this 2nd day of August, 2017.

*Audrey G. Fleissig*  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE